

**ZB# 04-02**

**Classic Home Builders**

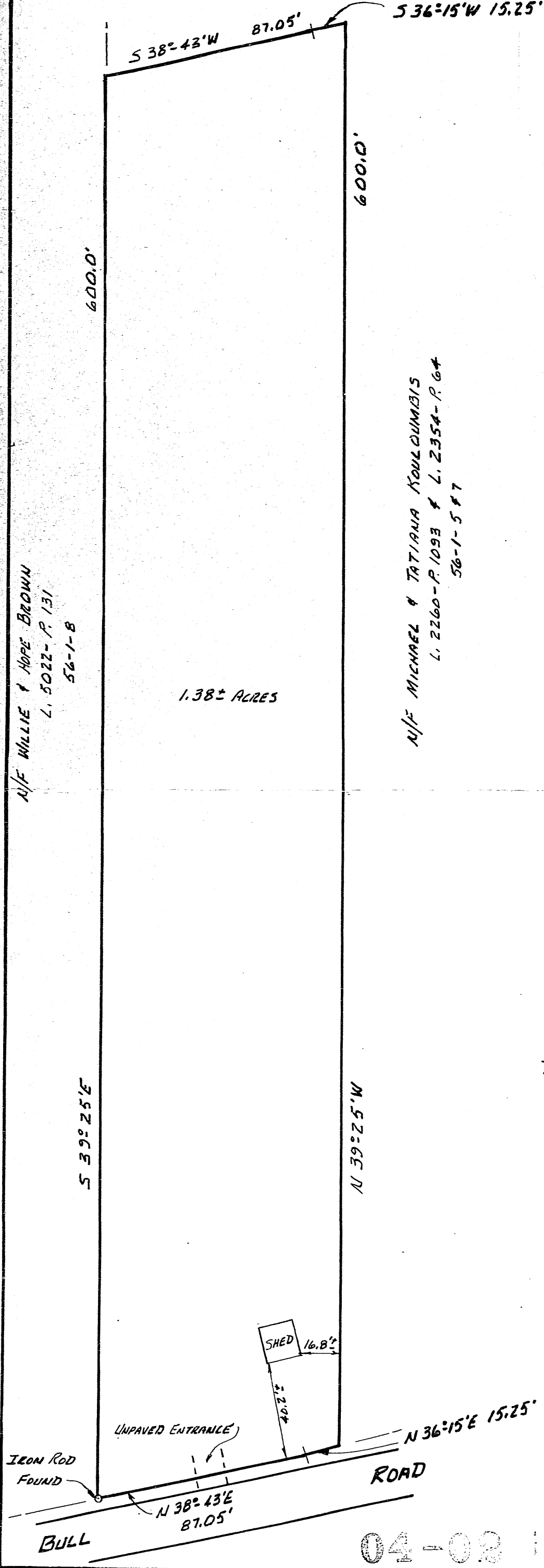
**56-1-6**

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553

*Granted 3-8-04*

ZBA #04-02 CLASSIC HM BLDRS  
244 BULL RD (AREA) 56-1-6

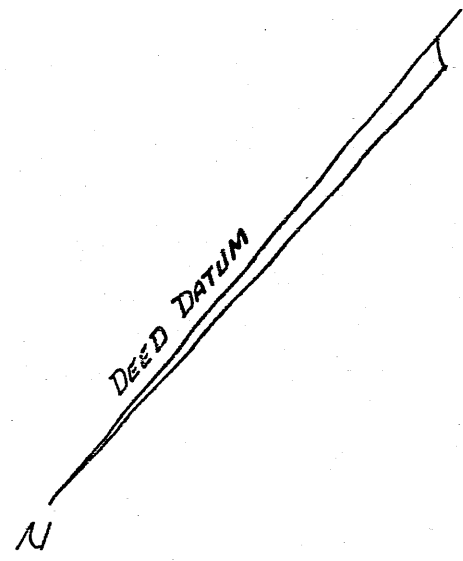
Anthony Fayo 497-3529



1.38± ACRES

N/F WILLIE & HOPE BROWN  
L. 5022-P 131  
56-1-B

N/F MICHAEL & TATIANA KOULOUNEIS  
L. 2260-P 1093 & L. 2354-P 64  
56-1-5 & 7



NOTES:

- 1) Unauthorized alterations or additions to this map is a violation of section 7209(2) of the New York State education law.  
Copies of this map not having the original ink or embossed seal of the Land Surveyor shall not be valid.  
Guarantees or certification are not transferable to additional institutions or subsequent owners.  
Subject to grants, easements and right-of-ways of record, if any.  
Not responsible for utilities on, over or under the lands and not visible at time of survey.  
Subject to any facts that may be revealed by an accurate, up to date title abstract report.
- 2) Deed Reference:  
Carrie E. Weygant 2029/657  
James A. Weygant 4734/316
- 3) Surveyed in accordance with Deeds of record, and physical monumentation found at time of survey.
- 4) Tax Map Desig.: 56-1-6

SURVEY MAP FOR  
CLASSIC HOME BUILDERS, LLC

TOWN OF NEW WINDSOR • ORANGE CO. • N.Y.

SCALE: 1"=40'      DATE: 19 DEC. 2003

Job No: 03-58

Certified to, Classic Home Builders, LLC;  
Fidelity National Title Insurance Company  
of New York; and, Carrie E. Weygant, from a  
field survey completed on 1 Dec. 2003.

*Anthony D. Valdina*

Anthony D. Valdina, PLS  
Land Surveyor  
4 Pleasant View Ave.  
Newburgh, New York 12550  
561-8367  
N.Y.S. LIC. NO. - 049120

04-02

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 56-1-6

In the Matter of the Application of

MEMORANDUM OF  
DECISION GRANTING

**CLASSIC HOME BUILDERS**

**AREA**

CASE #04-02

**WHEREAS, ANTHONY FAYO (CLASSIC HOME BUILDERS)**, owner(s) of 244 Bull Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an 23 ft. Minimum Lot Width for proposed single family home (Use: R-1 5-D)

**WHEREAS**, a public hearing was held on March 8, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared on behalf of this Application; and

**WHEREAS**, one spectator appeared at the public hearing; and

**WHEREAS**, the spectator was neither for or opposed to the Application, however, had certain questions, which were answered; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential property located in a neighborhood of residential properties.
  - (b) This is a vacant lot on which the applicant seeks to construct a one-family home with four bedrooms.
  - (c) The prior use of the lot was as a "Junk Yard" and dates back into the 1950's.

- (d) The lot with the one-family home, if permitted, will be serviced by well and septic. According to the applicant's engineer, the lot will be adequate in size to accommodate both of these features.
- (e) The lot has a measured width of 102 feet, the zoning requirement is for 125 feet.
- (f) The lot meets all zoning requirements except for the lot width.
- (g) The lot is approximately .50 acres in size, the zoning requirements is for a single acre.
- (h) A number of the other lots in the neighborhood of this lot have approximate widths of 100 feet.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

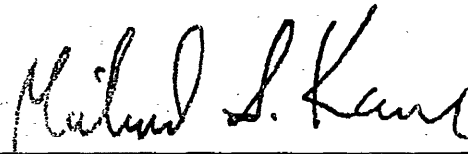
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 23 ft. Minimum Lot Width for proposed single family home (Use: R-1 5-D) at 244 Bull Road in an R-1 Zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: March 8, 2004

A handwritten signature in cursive script, reading "Michael S. Kane", is written over a horizontal line.

Chairman



# **Town of New Windsor**

**555 Union Avenue**  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## **OFFICE OF THE ZONING BOARD OF APPEALS**

June 16, 2004

Classic Home Builders, LLC  
308 Bull Road  
Washingtonville, NY 10992

**SUBJECT: REQUEST FOR VARIANCE #04-02**

Dear Mr. Fay:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

---

Myra Mason, Secretary to the  
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector



**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**DATE: December 4, 2003**

**APPLICANT: Classic Home Builders  
308 Bull Road  
Washingtonville, NY 10992**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 12/4/03**

**FOR : One family house**

**LOCATED AT: 244 Bull Road**

**ZONE: R-1 Sec/Blk/ Lot: 56-1-6**

**COPY**

**DESCRIPTION OF EXISTING SITE: SBL# 56-1-6**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

- 1. Existing building lot #56-1-6 does not meet minimum lot width of 125' required for a one family dwelling**

  
**BUILDING INSPECTOR**

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-1    USE: 5-D    Bulk Tables

MIN LOT AREA:

MIN LOT WIDTH:

125'

102'

23'

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

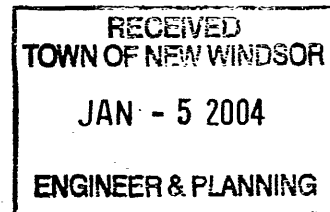
MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP



04-02

[illegible]

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

## ZONING BOARD

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

# COPY

FOR OFFICE USE ONLY:

Building Permit #: 2003-1459

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises CARRI E WEYDANT

Address P.O. Box 459 Phone # SEE CONTRACTOR

Mailing Address VALE GATE N.Y. 12584 Fax # PHONE

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor CLASSIC HOME BUILDERS LLC (ANTHONY FATE)

Address 305 BULL RD WASHINGTONVILLE, NY 10992 Phone (845) 629-7022

State whether applicant is owner, lessee, agent, architect, engineer or builder BUILDER / OWNER

If applicant is a corporation, signature of duly authorized officer. \_\_\_\_\_  
(Name and title of corporate officer)

1. On what street is property located? On the BULL RD (5) side of 144 BULL RD  
(N,S,E or W)  
and 1200 feet from the intersection of SHAW RD
2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N \_\_\_\_\_
3. Tax Map Description: Section 56 Block 1 Lot 6
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.  
a. Existing use and occupancy \_\_\_\_\_ b. Intended use and occupancy \_\_\_\_\_
5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
6. Is this a corner lot? NO
7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_
8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor 1  
Number of bedrooms 4 Baths 2 1/2 Toilets 2 1/2 Heating Plant: Gas \_\_\_\_\_ Oil ☒  
Electric/Hot Air ☒ Hot Water ☒ If Garage, number of cars 2
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_
10. Estimated cost \$ 20000.00 Fee \_\_\_\_\_

**ZONING BOARD**

11 1 24 103

date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Aest. Inspectors Frank Liel & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4618  
(845) 563-4695 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

  
(Signature of Applicant)

306 Bull Rd WASHINGTONVILLE N.Y. 10992 (845) 629-1522  
(Address of Applicant)

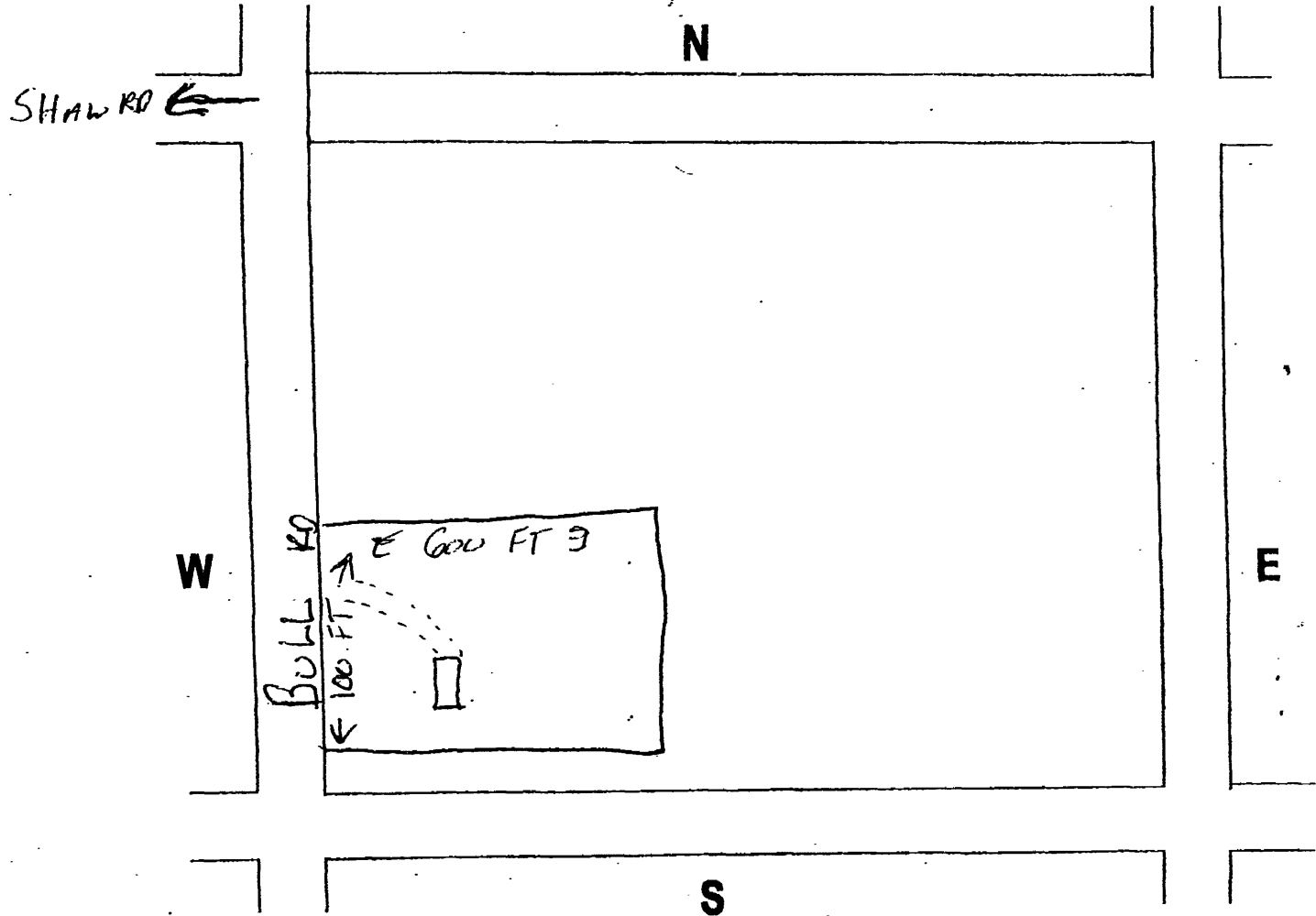
Carrie E. Wagoner P.O. Box 457 MARK GATE N.Y. 12554

(Owner's Signature)

# PLOT PLAN

(Owner's Address)

**NOTE:** Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



07/20/2017











**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: JUNE 9, 2004**  
**SUBJECT: REFUND ESCROW**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 175.00 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #04-02**

**NAME & ADDRESS:**

**CLASSIC HOME BUILDERS  
308 BULL ROAD  
WASHINGTONVILLE, NY 10992**

**ATTN: ANTHONY FAYO**

**THANK YOU,**

**MYRA**

**L.R.06-09-04**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #04-02      TYPE: AREA

APPLICANT Name & Address:

**Classic Home Builders, LLC  
308 Bull Road  
Washingtonville, NY 10992**

TELEPHONE:      497-3529

RESIDENTIAL:	\$ 50.00	CHECK #2991
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:              RESIDENTIAL \$300.00      CHECK #2992

Ω   Ω   Ω   Ω   Ω   Ω   Ω   Ω   Ω   Ω   Ω   Ω   Ω   Ω

<u>DISBURSEMENTS:</u>		<u>MINUTES</u> <u>\$5.50 / PAGE</u>	<u>ATTORNEY</u> <u>FEE</u>
PRELIMINARY:	<u>4</u> PAGES	\$ <u>22.00</u>	\$ <u>35.00</u>
2 <sup>ND</sup> PRELIMINARY:	<u>   </u> PAGES	\$ <u>   </u>	\$ <u>   </u>
PUBLIC HEARING:	<u>6</u> PAGES	\$ <u>33.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	<u>   </u> PAGES	\$ <u>   </u>	\$ <u>   </u>
TOTAL:		\$ <u>55.00</u>	\$ <u>70.00</u>

Ω   Ω   Ω   Ω   Ω   Ω   Ω   Ω   Ω   Ω   Ω   Ω   Ω   Ω

ESCROW POSTED:      \$ 300.00  
LESS: DISBURSEMENTS:      \$ 125.00

AMOUNT DUE:      \$    

REFUND DUE:      \$ 175.00

L.R. 6/9/04

CLASSIC HOME BUILDERS #04-02

Mr. Anthony Fayo appeared before the board for this proposal.

MR. KANE: Request for 23 ft. minimum lot width for proposed single family house at 344 Bull Road in an R-1 zone. I would ask at this point if there's anybody here for this particular hearing? We do, Joe, would you do the honors?

MR. MINUTA: Yes, I will.

MR. KANE: Okay, you can start.

MR. FAYO: I'm looking for a 23 foot variance, I have 102 foot lot width now, I need 125 foot to build a single family residential house, four bedrooms.

MR. REIS: Mr. Chairman, I'd like to recuse myself from voting on this, I have worked with Mr. Fayo and his organization.

MR. FAYO: As you can see in the photos, the lot is actually an old junk yard, dates back to the '50s somewhere and there's a, I'm going to say somewhere between 25 to 35 vehicles on the lot that have been there along with a lot of other thrown debris, tires and stuff, I'd like to get this all honestly cleaned up and put a residential house so I can improve the lot values in the neighborhood.

MR. KANE: Town water?

MR. FAYO: No septic and well.

MR. MINUTA: Will the lot accommodate the septic and the well with the required setbacks?

MR. FAYO: Yes, I already had it engineered, everything

is fine.

MR. MINUTA: Thank you.

MR. KANE: Do you know when this lot was made?

MR. FAYO: That I do not know.

MR. KANE: Mike, do we have any information on that? It's a flag lot, I'm assuming that at the time it was made that it was a buildable lot at that time.

MR. BABCOCK: I do not have anything here that gives me that information.

MR. KANE: Do you have anything? You want it right now?

MR. KRIEGER: Does it meet all the requirements except for the lot width?

MR. BABCOCK: Yes, it does.

MR. KRIEGER: Would it have complied with the lot width under the prior method of measuring or would it still be short?

MR. FAYO: It's 102 foot, Mike.

MR. BABCOCK: The lot width changed in 1986 from 100 to 125, so at that time is when 1986 is what made this lot non-conforming, as far as lot width then they would have had three year time lapse to receive a building permit where they'd have to go through this process.

MR. KRIEGER: Doesn't matter where this is measured, I understand it used to be measured at the road frontage, now measured at the setback line, that wouldn't have any affect here?

MR. BABCOCK: No.

MR. REIS: The minimum requirement was one acre at that time as well.

MR. BABCOCK: That's correct.

MR. REIS: And you have an acre and a half?

MR. BABCOCK: Yes. As you can see going down the road, Mr. Chairman, most of the lots there if you go down the street a ways most are all 100 feet and these right in the road here they're 102, 102 and 102 so apparently, that's how they figured it out, they just divided 6, 8 and 9 almost equal amounts.

MR. KANE: Okay, thanks, Mike. At this point, I will open it up to the public.

MS. HARRINGTON: I'm just here, I'm Wendy Harrington, I'm just sent here by my neighbors because nobody knows what's going on over there, they're worried that it's a number of houses and so it's our concern as Mr. Fayo has already got his easement for Bull Road just a few doors down, I know everybody's concerned, this is a neighborhood of large acreage homes and what we don't want to see is the vulcanization if you will of Bull Road. We're heavily invested, we're all of us with five acre lots and what we're afraid of seeing is the. I mean, you know, God bless the junk yard go away but we all learned to live with it and the thing is what's going to happen, is there suddenly going to be four homes there? These are the things that we need to know.

MR. FAYO: No, only one house there and there's only going to be one house in the other lot that I own, and I do live down the road also and I figure I'd definitely appreciate the value of my residence and all the rest of the neighbors, I thought in order to sell



the current lot that I have the best option was to buy that lot and clean it up.

MR. BABCOCK: Mr. Chairman, just for everybody's knowledge, the current zoning there is 80,000 square feet minimum, so there's no way that he would get more than one house on this lot.

MR. KANE: Do you own any parcels that are on either side or connected to that?

MR. FAYO: I own one lot, two lots down, it's not connected.

MR. KANE: For the record, okay, does that answer your question?

MS. HARRINGTON: Yes, we just want to know.

MR. FAYO: Both lots will be one family, single-family house.

MS. HARRINGTON: And set back from the road.

MR. FAYO: This current lot is, the house will probably be set back roughly 150 feet, the other house about 1,200 feet.

MS. HARRINGTON: Okay.

MR. KANE: Thank you very much. Anybody else for this particular hearing? At this point, I'll close the public hearing portion of the hearing and bring it back to the board. Joe, any questions?

MR. MINUTA: I have none.

MR. REIS: No.

MR. RIVERA: No.

MR. MINUTA: Accept a motion?

MS. MASON: On the 16th of February, we mailed out 7 envelopes with no responses.

MS. HARRINGTON: Seven, what's up with that?

MR. KANE: Taxpayers in the area, it's 500 feet.

MR. MINUTA: There's a required distance from the property so since you have such large lots.

MS. HARRINGTON: I made my case, right?

MR. KANE: I've been here 12 years and I've never heard seven.

MS. HARRINGTON: I called everybody in the neighborhood and nobody had gotten them.

MR. BABCOCK: She's pointing out there's a couple of them that own two or three lots on there so they would get one notice.

MR. KANE: And with that, I'll accept a motion.

MR. MINUTA: Accept a motion?

MR. KANE: Yes.

MR. MINUTA: I put forth a motion that we grant Classic Home Builders the requested 23 foot minimum lot width for proposed single family home located at 244 Bull Road in an R-1 zone.

MR. RIVERA: Second it.

ROLL CALL

March 8, 2004

49

MR. RIVERA  
MR. MINUTA  
MR. KANE  
MR. REIS

AYE  
AYE  
AYE  
ABSTAIN



RESULTS OF Z.B.A. MEETING OF: March 8, 2004

PROJECT: Classic Home Bldg

ZBA # 04-02

P.B.#



USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) S) VOTE: A N  
RIVERA  
MCDONALD CARRIED: Y N  
REIS  
MINUTA  
KANE

NEGATIVE DEC: M) S) VOTE: A N  
RIVERA  
MCDONALD CARRIED: Y N  
REIS  
MINUTA  
KANE

PUBLIC HEARING: M) S) VOTE: A N  
RIVERA  
MCDONALD CARRIED: Y N  
REIS  
MINUTA  
KANE

APPROVED: M) S) VOTE: A N  
RIVERA  
MCDONALD CARRIED: Y N  
REIS  
MINUTA  
KANE

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) S) VOTE: A N  
RIVERA  
MCDONALD  
REIS CARRIED: Y N  
MINUTA  
KANE

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) MA S) VOTE: A 3 N 0.

RIVERA A  
~~MCDONALD~~  
~~REIS~~  
MINUTA A  
KANE A

CARRIED: Y ✓ N

Septic + well

Mo. Harrington spoke re: Over developing the area

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

CLASSIC HOME BUILDERS

AFFIDAVIT OF  
SERVICE  
BY MAIL

#04-02

----- X

STATE OF NEW YORK )

) SS:

COUNTY OF ORANGE )

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 16TH day of **FEBRUARY**, 2004, I compared the 7 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason  
Myra L. Mason, Secretary

16<sup>th</sup> day of February, 2004

J. F. Mead (Gallagher)  
Notary Public

JENNIFER MEAD  
Notary Public, State Of New York  
No. 01ME6050024  
Qualified In Orange County  
Commission Expires 10/30/ 2006

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

**Appeal No. 04-02**

**Request of CLASSIC HOME BUILDERS**

**for a VARIANCE of the Zoning Local Law to Permit:**

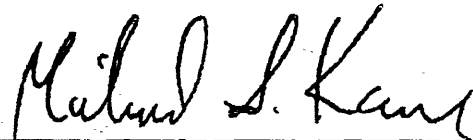
**Request for 23 ft. Minimum Lot Width for proposed single family home in an R-1 zone.**

**being a VARIANCE of Section Use: R-1-5-D**

**for property located at: 244 BULL ROAD – NEW WINDSOR, NY**

**known and designated as tax map Section 56 Block 1 Lot 6**

**PUBLIC HEARING will take place on MARCH 8<sup>TH</sup>, 2004 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.**

A handwritten signature in black ink, appearing to read "Michael S. Kane", is written over a horizontal line.

**Michael Kane, Chairman**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessor's Office

January 14, 2004

Classic Home Builders  
Anthony Fayo  
308 Bull Road  
Washingtonville, NY 10992

Re: 56-1-6 ZBA#04-02

Dear Mr. Fayo:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$25.00, minus your deposit of \$25.00.

There is no further balance due.

Sincerely,

J. Todd Wiley, IAO  
Assessor

JTW/lrd  
Attachments

CC: Myra Mason, ZBA

55-1-54 & 55-1-56 & 56-1-11  
Josephine Ferrari  
Paul Ferrari  
255 Bull Road  
Washingtonville, NY 10992

55-1-57  
William & Faith Pasquale  
245 Bull Road  
Washingtonville, NY 10992

55-1-58  
Wendall Harrington  
235 Bull Road  
Washingtonville, NY 10992

56-1-4.1 & 56-1-5 & 56-1-7  
Michael & Tatiana Kouloumbis  
PO Box 414  
Washingtonville, NY 10992

56-1-8  
Willie & Hope Brown  
248 Bull Road  
Washingtonville, NY 10992

56-1-10  
Peter & Flora Saltini  
C/o Noreen Ligotti  
357 Pin Oak Lane  
Westbury, NY 11590

56-1-40  
Robert & Sylvia Mangold  
155 Bull Road  
Washingtonville, NY 10992



# **TOWN OF NEW WINDSOR**

## **REQUEST FOR NOTIFICATION LIST**

DATE: 01-13-2004 PROJECT NUMBER: ZBA# 04-02 P.B. # \_\_\_\_\_

APPLICANT NAME: CLASSIC HOME BUILDERS

PERSON TO NOTIFY TO PICK UP LIST:

ANTHONY FAYO - CLASSIC HOME BLDRS.

308 BULL ROAD

WASHINGTONVILLE, NY 10992

TELEPHONE: 497-3529

TAX MAP NUMBER:	SEC. <u>56</u>	BLOCK <u>1</u>	LOT <u>6</u>
	SEC. _____	BLOCK _____	LOT _____
	SEC. _____	BLOCK _____	LOT _____

PROPERTY LOCATION: 244 BULL ROAD  
\_\_\_\_\_

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: \_\_\_\_\_

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) \_\_\_\_\_

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) \_\_\_\_\_

AGRICULTURAL DISTRICT:

(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT) \_\_\_\_\_

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 2993

TOTAL CHARGES: \_\_\_\_\_



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

February 16, 2004

Classic Home Builders, LLC  
308 Bull Road  
Washingtonville, NY 10992

SUBJECT: REQUEST FOR VARIANCE #04-02

Dear Mr. Fayo:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

244 BULL ROAD  
NEW WINDSOR, NY

is scheduled for the MARCH 8<sup>TH</sup>, 2004 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

CLASSIC HOME BUILDERS (04-02)

Mr. Anthony Fayo appeared before the board for this proposal.

MR. KANE: Request for 23 ft. minimum lot width for proposed single family home (Use: R-1 5-D) at 244 Bull Road in an R-1 zone.

MR. FAYO: Anthony Fayo, Classic Home Builders. I'm looking to get a variance on the lot width so I can put a residential house on it.

MR. KANE: You need a 23 foot?

MR. FAYO: Yes, I'm 102 now.

MR. REIS: I feel it's necessary that I recuse myself from this applicant.

MR. KANE: So noted. Cutting down any trees?

MR. FAYO: Yes, probably a small handfull, maybe four or five to make room for the residence.

MR. KANE: Any other substantial vegetation?

MR. FAYO: No.

MR. KANE: The important question in this area is water hazards, runoff?

MR. FAYO: There's a stream behind the property but does not go onto the property. Where is the tax map, I'll show you quick, there's the lot, it's not even on the property, it's probably like 100 foot behind the property.

MR. KANE: You're not going to direct any water towards the stream?

MR. FAYO: No, it's all pitched down that way, all pitched away from the road down so the water will naturally run that way, that's the way it's running right now.

MR. KANE: So that's going to give you 102 which is about standard on that road?

MR. FAYO: Yeah, they're all pretty much standard.

MR. KANE: Property behind you is that accessed?

MR. FAYO: It's all accessed from this guy, this guy owns it all with the road going down here, he owns this, this is what I'm told.

MR. KANE: So that lot behind you has access on a different property not through your own?

MR. FAYO: Yes, through another piece of property that he owns.

MR. KANE: Gentlemen, do you have any questions?

MR. MINUTA: Where is the house to be located?

MR. FAYO: The house is going to be located pretty much right behind the shed about 100 foot roughly off the road, not designated yet.

MR. KANE: With the building of that, you're not going to need any other variances?

MR. FAYO: I should not.

MR. KANE: Should, big word.

MR. FAYO: I would hope not.

MR. KANE: That's something that you may want to check into so that you don't have to go through this again.

MR. FAYO: I already did it with one lot.

MR. BABCOCK: It's like a 25 foot side yard setback so that's 50 feet so that gives him a house 75 feet long, I'm sure he's not doing that.

MR. FAYO: Yeah, it's 58, the house, actually.

MR. BABCOCK: So he's got plenty.

MR. KANE: Joe? Steve?

MR. MINUTA: Accept a motion?

MR. KANE: I will.

MR. MINUTA: I recommend that we request Classic Home Builders attend a public hearing for 23 foot minimum lot width for a proposed single family home at 244 Bull Road.

MR. RIVERA: Second it

ROLL CALL

MR. RIVERA	AYE
MR. REIS	ABSTAIN
MR. MINUTA	AYE
MR. KANE	AYE

MR. KANE: Now just so you know in case cause Len has been sick when you come here for this, if Michael's recusing himself, you need all three votes, okay, no room for error.

MR. FAYO: I don't think there will be any.

January 12, 2004

17

MR. KANE: We'll let you know.

MR. FAYO: Thank you.



RESULTS OF Z.B.A. MEETING OF:

January 12, 2004

PROJECT: Classic Home Builders

ZBA # 04-02

P.B.#



USE VARIANCE:

NEED: EAF

PROXY

LEAD AGENCY: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

PUBLIC HEARING: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

NEGATIVE DEC: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

APPROVED: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) Min S) Riv

VOTE: A 3 N 2

RIVERA

MCDONALD

~~REIS~~ REIS

MINUTA

KANE

A

Ab

A

A

CARRIED: Y ☒ N

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED:

M) S) VOTE: A N

RIVERA

MC DONALD

REIS

MINUTA

KANE

CARRIED: Y N

Check if any other variances needed - No

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#14-2004**

01/07/2004

Classic Home Builders LLC *ZBA 04-02*  
308 Bull Road  
Washingtonville, NY 10992

Received \$ 50.00 for Zoning Board Fees, on 01/07/2004. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk



**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**

**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 1-6-04

FOR: ESCROW 04-02

FROM: CLASSIC HOME BUILDERS, LLC.

308 BULL ROAD

WASHINGTONVILLE, NY 10992

CHECK NUMBER: 2992

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



1-7-07

NAME

DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

January 6, 2004

Classic Home Builders, LLC  
308 Bull Road  
Washingtonville, NY 10992

SUBJECT: REQUEST FOR VARIANCE #04-02

Dear Mr. Fay:

This letter is to inform you that you have been placed on the January 12th, 2004 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

244 Bull Road  
Washingtonville, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

TOWN OF NEW WINDSOR ZONING BOARD

PUBLIC HEARING FOR:

Classic Home Bldgs - 04-02

DATE: 3-8-04

SIGN-IN SHEET

	NAME	ADDRESS
1.	Wardell Harrington	235 Bull Road
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		

FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

**NOTE:**

**IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.**

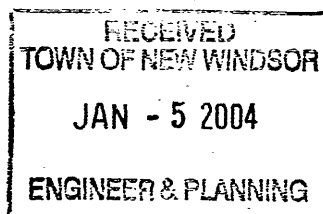
**✱ ✱ MUST READ AND SIGN ✱ ✱**

***I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow posted).***

*Anthony F. Croft* 12/14/03  
SIGNATURE DATE

**NOTE:**

THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE. (JULY AND AUGUST – ONE MEETING PER MONTH ONLY)



PAGE 2

04-02

COMPLETE THIS PAGE ☐



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE**



12/11/03      Application Type: Use Variance ☐ Area Variance ☐  
Date      Sign Variance ☐ Interpretation ☐

I. **Owner Information:**      Phone Number: (845) 294-9447  
CARRIE E. WEYGANT      Fax Number: (845)  
(Name)  
P.O. Box 457      VAILS GATE  
(Address)

II. **If Moving to New Address, please list forwarding address for return of escrow:**  
\_\_\_\_\_  
(Name)      Phone Number: ( )  
\_\_\_\_\_  
Fax Number: ( )  
\_\_\_\_\_  
(Address)

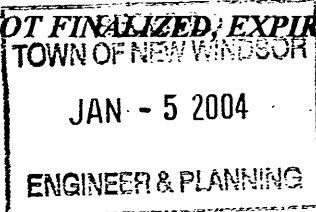
III. **Attorney:**      <sup>LWP</sup> Phone Number: (845) 294-9447  
DICKOVER DENNELLY DONOVAN & BING      Fax Number: (845) 294-6553  
(Name)  
DAVE DONOVAN      28 BROWN PLACE      GASTEN N.Y. 10924  
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:**      Phone Number (845) 629-8022 CELL  
CLASSIC HOME BUILDERS L.L.C.      Fax Number: (845) 497-3529  
(Name)  
307 BULL RD      WASHINGTONVILLE, N.Y. 10992  
(Address)

V. **Property Information:**  
Zone: R 1      Property Address in Question: 244 BULL RD  
Lot Size: \_\_\_\_\_ Tax Map Number: Section 56 Block 1 Lot 6  
a. What other zones lie within 500 feet? \_\_\_\_\_  
b. Is pending sale or lease subject to ZBA approval of this Application? YES  
c. When was property purchased by present owner? 2/19/75  
d. Has property been subdivided previously? \_\_\_\_\_ If so, When: \_\_\_\_\_  
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? \_\_\_\_\_  
f. Is there any outside storage at the property now or is any proposed? NO

\*\*\*\*PLEASE NOTE:\*\*\*\*

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**



**04-02**

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

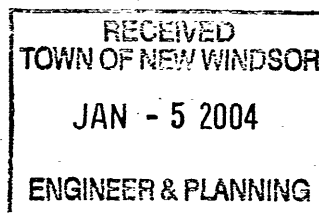
<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width 125'	102'	23'
Reqd. Front Yd.		
Reqd. Side Yd.		
Reqd. Rear Yd.		
Reqd. St Front*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage*		
Floor Area Ration**		
Parking Area		

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**



04-02

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

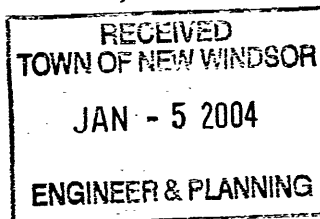
- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

THE PROPERTY I AM SEEKING  
A VARIANCE FOR IS FULL OF JUNK CARS. I WANT  
TO REMOVE THESE ITEMS AND BUILD A NEW SINGLE  
FAMILY HOUSE TO IMPROVE PROPERTY VALUES IN  
NEIGHBORHOOD.

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**



**04-02**

COMPLETE THIS PAGE ☐

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- 
- 

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
  - ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
  - ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
  - ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR(4) SETS OF THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

30<sup>th</sup> day of December 2003.

Carrie E Weygant  
Owner's Signature (Notarized)

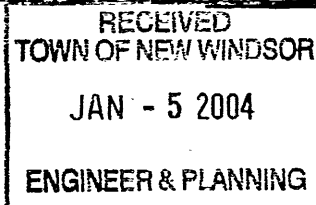
CARRIE E WEYGANT  
Owner's Name (Please Print)

Deborah Green  
DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
Signature and Stamp of Notary #4924065  
Commission Expires July 15, 2007

Anthony  
Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**



04-02  
COMPLETE THIS PAGE ☐



**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

CARRIE E. WEYGANT, deposes and says that he resides  
(OWNER)

at PO Box 457 Vails Gate in the County of ORANGE  
(OWNER'S ADDRESS)

and State of NEW YORK 12584 and that he is the owner of property tax map

(Sec.      Block      Lot     )  
designation number (Sec. 56 Block 1 Lot 6) which is the premises described in

the foregoing application and that he authorizes:  
(ANTHONY FATO MAREE)

CLASSIC HOME BUILDERS L.L.C. 308 BULL RD WASHINGTONVILLE N.Y.  
(Applicant Name & Address, if different from owner) 10992

\_\_\_\_\_  
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 12/16/03

**\*\***  
Carrie E Weygant  
Owner's Signature (MUST BE NOTARIZED)

Sworn to before me this:

12 day of 16 2003

Kathleen A Fenwick

Anthony Fato Maree  
Applicant's Signature (If different than owner)

KATHLEEN A. FENWICK  
Notary Public, State of New York  
No. 4933025

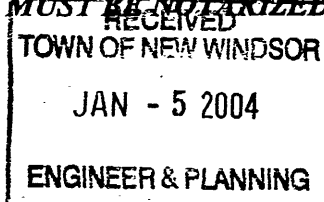
Signature and Stamp of Notary  
Appointed in Orange County

\_\_\_\_\_  
Representative's Signature

**THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.**

**\*\* PLEASE NOTE:**

**ONLY OWNER'S SIGNATURE MUST BE NOTARIZED**



**04-02**

COMPLETE THIS PAGE ☐